



#9138  
6/20/03

PATENT

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re  
Appln. of: John R. DePhillipo et al.  
Serial No.: 09/826,522  
Filed: 5 April 2001  
For: Kits and Methods for Assessing  
Oxidative Stress

Group Art  
Unit: 1637  
Conf. No.: 2835  
Examiner: Alexander H. Spiegler  
Atty Docket  
No.: E0543-00002

**PETITION FOR EXTENSION OF TIME PURSUANT TO 37 C.F.R. § 1.136(a)**

The Applicant(s) in the patent application referenced above petition for a 3-month extension of time for responding to the Office Action dated 27 November 2002 (Paper No. 7). This petition extends the period for response through and including 27 May 2003. A response accompanies this petition.

☒ A check in the amount of \$465.00 is enclosed.

☒ The Commissioner is authorized to charge Deposit Account No. 04-1679  
(Billing No. E0543-00002) as noted below. A duplicate of this Petition is enclosed.

☐ Extension fee in the amount of \$\_\_\_\_\_.00.

☒ Any deficiency or overpayment in the fee noted above.

Respectfully submitted,

John R. DePhillipo et al.

By:

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27 May 2003  
Date

06/04/2003 JBALINAM 00000033 09826522

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465.00 DP



81637

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

43

Application Number

09/826,522

Filing Date

5 April 2001

First Named Inventor

John R. DePhillipo

Art Unit

1637

Examiner Name

Alexander H. Spiegler

Attorney Docket Number

E0543-00002

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JUN 05 2003  
TECH CENTER 1600/2900**ENCLOSURES (Check all that apply)**

|  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> After Allowance Communication to a Technology Center (TC)      |
| <input checked="" type="checkbox"/> Fee Attached                             | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Petition  | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application  | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation   | <input type="checkbox"/> Status Letter  |
| <input checked="" type="checkbox"/> Extension of Time Request (3 mos)        | <input type="checkbox"/> Change of Correspondence Address  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):         |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer   |   |
| <input type="checkbox"/> Information Disclosure Statement                    | <input type="checkbox"/> Request for Refund  |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____   |   |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | <b>Remarks</b>   |   |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Enclosures:<br>-Fee Transmittal for FY 2003 (1 pg.)<br>-Amendment (27 pp.)<br>-Petition for Extension of Time (1 pg.)<br>-Two Attachments to Amendment (9 and 4 pp.)<br>-Check for \$465<br>-Return Postcard |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                    |   |
|--------------------|---|
| Firm or Individual | Gary D. Colby, Ph.D., J.D.<br>Registration No. 40,961 |
| Signature          |   |
| Date               | 27 May 2003   |

**CERTIFICATE OF TRANSMISSION/MAILING**I hereby certify that this correspondence is being ~~deposited with the United States Postal Service~~ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 27 May 2003

|                  |                  |      |             |
|------------------|------------------|------|-------------|
| Typed or printed | Wanda L. Staples | Date | 27 May 2003 |
| Signature        |                  |      |             |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, Washington, DC 20231.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 465

## Complete if Known

Application Number 09/826,522  
Filing Date 5 April 2001  
First Named Inventor John R. DePhillips  
Examiner Name Alexander H. Spiegel  
Art Unit 1637  
Attorney Docket No. E0543-00002

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JUN 05 2003  
TECH CENTER 1600/2900

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

04-1679

Duane Morris LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 750                   | 2001 375                   | Utility filing fee     |          |
| 1002 330                   | 2002 165                   | Design filing fee      |          |
| 1003 520                   | 2003 260                   | Plant filing fee       |          |
| 1004 750                   | 2004 375                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |
| SUBTOTAL (1)               |                            |                        | (\$ ) 0  |

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims              | Extra Claims | Fee from below | Fee Paid |
|---------------------------|--------------|----------------|----------|
| Independent Claims        | -20** =      | X              |          |
| Multiple Dependent Claims | -3** =       | X              |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 84                    | 2201 42                    | Independent claims in excess of 3                          |
| 1203 280                   | 2203 140                   | Multiple dependent claim, if not paid                      |
| 1204 84                    | 2204 42                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ ) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 1051 130      | 2051 65       | Surcharge - late filing fee or oath  |          |
| 1052 50       | 2052 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130      | 1053 130      | Non-English specification  |          |
| 1812 2,520    | 1812 2,520    | For filing a request for <i>ex parte</i> reexamination                     |          |
| 1804 920*     | 1804 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*   | 1805 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251 110      | 2251 55       | Extension for reply within first month                                     |          |
| 1252 410      | 2252 205      | Extension for reply within second month                                    |          |
| 1253 930      | 2253 465      | Extension for reply within third month                                     | 465      |
| 1254 1,450    | 2254 725      | Extension for reply within fourth month                                    |          |
| 1255 1,970    | 2255 985      | Extension for reply within fifth month                                     |          |
| 1401 320      | 2401 160      | Notice of Appeal   |          |
| 1402 320      | 2402 160      | Filing a brief in support of an appeal                                     |          |
| 1403 280      | 2403 140      | Request for oral hearing   |          |
| 1451 1,510    | 1451 1,510    | Petition to institute a public use proceeding                              |          |
| 1452 110      | 2452 55       | Petition to revive - unavoidable   |          |
| 1453 1,300    | 2453 650      | Petition to revive - unintentional   |          |
| 1501 1,300    | 2501 650      | Utility issue fee (or reissue)   |          |
| 1502 470      | 2502 235      | Design issue fee   |          |
| 1503 630      | 2503 315      | Plant issue fee  |          |
| 1460 130      | 1460 130      | Petitions to the Commissioner  |          |
| 1807 50       | 1807 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180      | 1806 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021 40       | 8021 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809 750      | 2809 375      | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 750      | 2810 375      | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 750      | 2801 375      | Request for Continued Examination (RCE)                                    |          |
| 1802 900      | 1802 900      | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 465

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type) Gary D. Colby  
Registration No. (Attorney/Agent) 40,961  
Telephone 215-979-1849  
Signature [Signature]  
Date 27 May 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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